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MEMORANDUM

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NATIONAL SECURITY COUNCIL

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May contain Congressional Material.

SECRET/SENSITIVEURGENT INFORMATION

July 21, 1971

MEMORANDUM FOR DR. KISSINGER

FROM: K. Wayne Smith *KWS*

SUBJECT: Symington Amendment

Secretary Laird, Ambassador Godley, and Under Secretary Johnson are scheduled to appear before the Senate Armed Services Committee on Thursday to testify on DOD and CIA funded operations in Laos. (Stennis' letter to Laird is at Tab A.)

The Secretary's testimony is particularly important in view of the proposed Symington Amendment to the defense procurement bill which would impose a \$200 million ceiling on both program obligations and expenditures for U.S. operations in Laos for FY 72.

The purpose of this memorandum is to inform you of the underlying issues and informal information received from Jim Woolsey of the Armed Services Committee Staff. With this information in mind you may want to consider:

(a former member of my staff)

-- (a) Calling Senator Stennis yourself to insure that the Administration's position is accurately conveyed to the Congress. Your message could be either:

-- The Administration rejects the Symington Amendment and alternatives thereto, or

-- The Administration will work with Senator Stennis to devise an appropriate alternative amendment. But such an alternative cannot be prepared in advance of Thursday's testimony.

-- (b) Leaving the issue alone on the assumption that Laird's testimony gives reasonable assurance of an outcome the Administration can live with.

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The Problem

The Administration's projected program level for Laos in FY 72 is well above the \$200 million ceiling in the proposed Symington Amendment. A preliminary breakdown of the Laos program is shown in the table below.

FY 1972 Program Obligations for Laos

Dollars in millions

USAF Sorties (outside trail)	143
Support for Regular RLG Forces	98
Support for Lao Paramilitary Forces	92
	116
Support for RLG Civilian activities including refugee Relief	36
Economic stabilization support	18
Other	5
TOTAL	508

Clearly, adoption of the Symington Amendment would require a sharp cutback of activities in Laos, i.e., [] Lao ground force operations as well as air operations.

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In our discussions with the Armed Services Committee Staff, they have gone to great pain to point out:

-- (1) the Symington Amendment is a serious threat to the Administration's Laos program. Whereas the House-inserted Vietnamization caveat neutralized the impact of the Fulbright amendment last year, the Symington amendment or its substitute that would probably emerge from a House-Senate conference will impose important constraints on Laos programs.

-- (2) Of greater concern to Senator Stennis and the Committee Staff is the threat to CIA programs worldwide. While I am not in a position to judge how great this threat is, I am told that Senators Case, Cooper, Church, Humphrey and McGovern in one way or the other are associated with separate bills that are designed to do such things

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as (in the words of the Church Amendment - paraphrased) prohibit CIA involvement in military or paramilitary operations in any foreign country under any circumstances, etc., etc. In other words Senator Stennis feels that the direction of CIA involvement in Laos has to be clarified in order to protect CIA operations elsewhere.

-- (3) What Senator Stennis wants is for the Administration to come up with an alternative to the Symington Amendment which he could put forward as his own. Stennis wants to support the President's position, but he does not think it is reasonable to reject the Symington Amendment without a viable alternative. The Armed Services Committee Staff has hinted to State and DOD that it would like to see an alternative amendment that the Administration could live with. But the staff doubts that it will get an alternative from State or DOD.

In discussing what the Committee Staff might consider as an alternative, we were shocked to find that the Congressional intent underlying limitations on MASF funding for operations in Laos is considerably different from what State and DOD lawyers have led us to believe.

North Laos presents different problems but there does appear to be scope for Senate recognition for [] ground forces in Laos to supplement Lao manpower deficiencies and thereby sustain Laos, and [] security interests. At the same time USAF operations over North Laos might be justified on a primarily Vietnamization rationale.

While selling such a rationale for the Laos program to the Armed Services Committee and to the Congress would be no simple task, Senator Stennis' request for help on this matter in conjunction with the absolutely untenable position State and DOD lawyers have put us into with respect to justifying actions in Laos, may provide the Administration with the opportunity to increase its flexibility and improve its public posture with regard to what we are doing in Laos. The price of obtaining Senator Stennis' support for such an alternative would probably be a plan to phase CIA out of Laos beginning in FY 72.

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e. Provision will be maintained for USAF bombing in North Laos, but perhaps it will be necessary to begin phasing out U.S. bombing [redacted]

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If you choose the option of developing an alternative you would want to inform Secretary Laird that he should stand firm in defense of the Lao program in order to give the Administration time to work out an alternative to the Symington Amendment that Senator Stennis can support.

Recommendation

I recommend that you:

-- call Secretary Laird and advise him to stand firm in support of the Lao program, and

-- call Senator Stennis and indicate that the Administration will work with him in developing an acceptable alternative to the Symington Amendment.

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COMMITTEE ON ARMED SERVICES
WASHINGTON, D.C. 20510

No Objection to Declassification in Part 2011/11/22 : LOC-HAK-15-2-4-8

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(1) In separate columns please set forth (1) the DOD FY 72 program value and (2) the estimated new obligational authority for fiscal year 1972 for each of the activities set forth below:

- 25X1
- (a) Royal Laotian Army
 - (b) The neutralist forces as separately categorized
 - (c)
 - (d) Any other separate element that might be DOD funded

It is assumed that the program value will include the surplus or excess equipment, ammunition, and supplies scheduled to be furnished during FY 72 for each of these elements. There will therefore be two separate totals (Program Value and New Obligational Authority) reflecting use of DOD funds for non-U.S. forces for fiscal year 1972 in connection with the above elements.

(2) The estimated cost of air support, tactical or otherwise furnished by the U.S. in any form in Laos in fiscal year 1972 for other than the trail and immediately adjacent areas in Southern Laos.

(3) The amount of economic aid being proposed for Laos for fiscal year 1972. It is realized this element is not handled by DOD but it is requested the information be obtained from other agencies for transmission to us.

(4) If there are any elements in the fiscal year 1972 program which are not completely firm, please indicate the additional cost of the added elements under consideration.

(5) A revised estimate with respect to DOD funds for non-U.S. forces in Thailand and South Vietnam if these estimates have changed from the January 26, 1971, submission.

The Committee is in the process of completing the markup of the procurement bill and it is urgent that we have this information by the date indicated.

Sincerely,


John C. Stennis